

## § 16-8-12.1

## EDUCATION

## § 16-8-13

county board of education without compensation. *State v. Jefferson County Bd. of Educ.*, 282 Ala. 303, 211 So. 2d 143 (1966).

So. 414 (1940); *Smith v. State*, 42 Ala. App. 650, 176 So. 2d 882 (1965); *Cleburne County Bd. of Educ. v. Payne*, 518 So. 2d 49 (Ala. 1987).

Cited in *Noojin v. State*, 29 Ala. App. 178, 194

### § 16-8-12.1. Cooperative agreements with county commission.

In addition to all authority previously granted by statute, county boards of education may enter into cooperative agreements, projects and programs with the county commission, and may take such other actions as they deem necessary and appropriate for the proper management of the public schools; provided, however, that such agreements, projects, and programs shall not be in conflict with nor inconsistent with any law or policy of the State Board of Education and shall not conflict with the purposes for which the school system is established. Provided, further, that such authority shall not be used to deny any employee any legal or constitutional rights to which he or she is entitled, nor shall such authority be used in such a way that employees are denied any benefits established and required by law, nor shall such authority be construed as authorizing county boards of education to levy any taxes not otherwise authorized by law.

Cross references. — City boards of education, authority to enter into cooperative agreements, programs, etc., § 16-11-9.1.

### § 16-8-13. Consolidation of schools.

The county board of education shall consolidate schools wherever in its judgment it is practicable and arrange, if necessary, for the transportation of pupils to and from such consolidated schools, subject to the provisions of this title.

## CASE NOTES

General comment.

Authority of county board of education.

Contract.

Discretion.

Duty of county board of education.

Findings — Insufficient.

Review.

Cited.

General comment.

The transportation of school children is directly related to the consolidation of schools, a part of the operation of such schools, a daily undertaking and an ever present responsibility. *Shores v. Elmore County Bd. of Educ.*, 241 Ala. 464, 3 So. 2d 14 (1941).

Authority of county board of education.

County board of education was without authority to consolidate schools located in separate districts, so long as such districts contin-

ued to exist, without the consent of the school trustees of both schools. *Cherokee County Bd. of Educ. v. Chandler*, 221 Ala. 451, 129 So. 473 (1930).

Where taxpayers, who sold school buses, sought to enjoin purchase of school buses by Board of Education from a non-resident business, the court of equity declined to interfere with acts of school board that were within its discretion as an administrative agency and were not shown to be fraudulent, in bad faith or a gross abuse of discretion. *Scott v. Mattingly*, 236 Ala. 254, 182 So. 24 (1933).

The courts of the state will not ordinarily seek to control the exercise of the broad discretion given by the statutes to the county board of education, since the powers vested in it are quasi-judicial as well as administrative. *Hodges v. Board of Educ.*, 245 Ala. 64, 16 So. 2d 97 (1943).